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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/820,019	03/28/2001	Robert Carlback	280.671PAT	5286

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EXAMINER
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BELL, PAUL A

ART UNIT	PAPER NUMBER
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2675

DATE MAILED: 08/12/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/820,019

Applicant(s)

CARLBACK, ROBERT

Examiner

PAUL A BELL

Art Unit

2675

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 June 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                        | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 103*

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 4-11, 13-15, 17 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Muroya (6,160,914) in view of Izutani (5,483,262).

With regard to claim 1 Muroya teaches a method of identifying a handwritten signature that is unique to the user (title, abstract, column 1, lines 5-14), comprising: providing an electronic pen and an electronic writing unit in communication with a computer system (figure 4, column 9, lines 7-20); a user applying a pressure on the electronic writing unit by the electronic pen at a first time; moving the electronic pen on the electronic writing unit and varying the pressure by the electronic pen on the electronic writing unit to create a unique signature of the user (figure 1, item 1); applying the pressure at a second time that is subsequent the first time (figure 1, item 2); measuring a time difference between the first time and the second time; measuring pressure variations by the electronic pen on the electronic writing unit when the electronic pen is moved on the electronic writing unit by the user; and comparing the time difference and pressure variations with time differences and pressure variations of a pre-recorded signature by the user (column 3, lines 40-54).

Muroya does not illustrate the added feature of "inserting the electronic pen into an activation opening defined in the electronic writing unit to gain access to a database of the computer system".

However Izutani shows a similar pen input device that has this feature (SEE Izutani figure 2a item 1 and 3 and see figures 3a-d that illustrate all possible ways of using it).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the Muroya apparatus to have the above feature as taught by Izutani because Muroya does not show how to turn on and off his device or where to store his pen when done, whereby each feature is clearly desirable and essential to operation and therefore Izutani is clearly motivating the improvement of the analysis art of Muroya where both are pen input devices.

With regard to claim 2 the combination of Muroya and Izutani teaches the method according to claim 1 wherein the method further comprises measuring a speed of the electronic pen when the electronic pen is moved on the electronic writing unit and comparing the speed with a speed of the electronic pen during the pre-recorded signature (SEE Muroya column 5, lines 13-30).

With regard to claim 4 the combination of Muroya and Izutani teaches the method according to claim 1 wherein the method further comprises measuring the pressure difference between segments of the signature and comparing the pressure difference with pressure difference in the same segments of the pre-recorded signature (SEE Muroya figure 8).

With regard to claim 5 the combination of Muroya and Izutani teaches the method according to claim 1 wherein the method further comprises measuring a relative time requirement to complete a first name of the signature and a relative time requirement to complete: a last name and comparing the relative times with a total time: requirement to complete the signature (SEE Muroya column 4, lines 5-12).

With regard to claim 6 the combination of Muroya and Izutani teaches the method according to claim 1 wherein the method further comprises measuring a total number of units activated on the electronic writing unit and comparing the total number with a total number of units activated on the pre-recorded signature (SEE Muroya figure 3, step-5).

With regard to claim 7 the combination of Muroya and Izutani teaches the method according to claim 6 wherein the method further comprises calculating a utilization density of the electronic writing unit (SEE Muroya column 2, lines 55-61).

With regard to claim 8 the combination of Muroya and Izutani teaches the method according to claim 1 wherein the computer transmits an approval signal when the time difference is between a predetermined maximum value and a minimum value (SEE Muroya figure 3, step 10).

With regard to claim 9 the combination of Muroya and Izutani teaches the method according to claim 1 wherein the method further comprises providing the electronic writing unit with an opening defined therein and inserting the electronic pen into the opening to activate the computer" (SEE Izutani figure 2b)

With regard to claim 10 the combination of Muroya and Izutani was shown above in claims 1 and 9 to cover all these claimed features.

With regard to claim 11 the combination of Muroya and Izutani was shown above in claims 1, 2 and 9 to cover all these claimed features.

With regard to claim 13 the combination of Muroya and Izutani was shown above in claims 1, 4 and 9 to cover all these claimed features.

With regard to claim 14 the combination of Muroya and Izutani wherein the method further comprises measuring a time requirement to complete the signature and comparing the time requirement with a time requirement to complete the pre-recorded signature (SEE Muroya figure 1, column 4, lines 1-20).

With regard to claim 15 the combination of Muroya and Izutani was shown above in claims 1, 6 and 9 to cover all these claimed features.

With regard to claim 17 the combination of Muroya and Izutani does not directly show his "electronic pen with a memory unit for storing personal data thereon" but the examiner contends a pen with memory is well known in the art and in regards to using it to store personal data this mere use recitation is viewed as an "OBVIOUS INTENDED USE" for memory in a pen and one would be motivated to have memory in his pen so user would not have to remember it and manually enter in personal data. With regards to "memory in a pen" the examiner serves "OFFICIAL NOTICE" .

With regard to claim 18 the combination of Muroya and Izutani was shown above to have most of the limitations claimed and in addition the combination teaches "having

a writing tip and an upper opposite male contact (SEE Muroya figure 4 and Izutani figure 2a item 1).

3. Claim, 3, 12 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over the combination of Muroya (6,160,914) / Izutani (5,483,262) in view of Zank et al. (6,307,955).

With regard to claim 3 the combination of Muroya and Izutani does not directly show "the method according to claim 1 wherein the method further comprises measuring an acceleration of the electronic pen when the electronic pen is moved on the electronic writing unit and comparing the acceleration with an acceleration of the electronic pen during the pre-recorded signature".

However, Zank et al. teaches this above feature (column 4, lines 55-60, column 9, lines 1-7).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the acceleration feature as taught by Zank et al. in the combination of Muroya and Izutani because Zank et al. provides a motivational reason in column 9, lines 5-6 and in addition measuring more parameters such as acceleration would increase accuracy which is desirable and therefore also motivational.

With regard to claim 12 the "acceleration feature" this was addressed above with Zank et al.

With regard to claim 16 the "activation feature" this was addressed above with Izutani.

Art Unit: 2675

Conclusion

4. Applicant's arguments with respect to claims 1-18 have been considered but are moot in view of the new ground(s) of rejection.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul Bell whose telephone number is (703) 306-3019.

If attempts to reach the examiner by telephone are unsuccessful the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377 can help with any inquiry of a general nature or relating to the status of this application.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

Or Faxed to: (703) 872-9306

Or Hand-delivered to: Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor  
(Receptionist)

*Paul Bell*  
Paul Bell

Art unit 2675

August 3, 2004

*Chanh Nguyen*  
CHANH NGUYEN  
PRIMARY EXAMINER